

AN ORDINANCE

98388

CLOSING, VACATING AND ABANDONING AN APPROXIMATELY THIRTY FOOT (30') WIDE PORTION OUT OF A FORTY FOOT (40') WIDE UNIMPROVED PUBLIC RIGHT OF WAY KNOWN AS WOODRUFF AVENUE LOCATED BETWEEN PECAN VALLEY DRIVE AND UTOPIA LANE IN COUNCIL DISTRICT 3, ADJACENT TO NCB 10976, AS REQUESTED BY THE ABUTTING PROPERTY OWNER, TERRA VISTA PARTNERS, LTD., FOR THE TOTAL CONSIDERATION OF \$9,123.00.

* * * * *

WHEREAS, pursuant to a request from Terra Vista Partners, Ltd., the Planning Commission of the City of San Antonio, at its regular meeting of October 22, 2003, approved the closing, vacating, and abandoning of an approximately thirty foot (30') wide portion out of a forty foot (40') improved public right of way known as Woodruff Avenue located between Pecan Valley Drive and Utopia Lane adjacent to NCB 10976; and

WHEREAS, the City Council, following a public hearing on October 30, 2003 approved the request to close, vacate, and abandon the Subject Property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. An approximately thirty-foot (30') wide portion out of a forty-foot (40') wide unimproved public right of way known as Woodruff Avenue, located between Pecan Valley Drive and Utopia Lane in San Antonio, Bexar County, Texas, is hereby closed, vacated and abandoned as a public street right of way of the City of San Antonio, as requested by Terra Vista Partners, Ltd., the abutting property owner ("Petitioner"). The legal description and a copy of the survey for the property, which contains 0.328 acre (14,301.14 square feet), are attached hereto as **Exhibit "A"** and incorporated herein verbatim for all purposes.

SECTION 2. The City acknowledges receipt of the amount of \$9,123.00 from Petitioner as consideration for such closing, vacating and abandoning of the above mentioned property; however, such closing, vacation, and abandonment are contingent on compliance with the conditions set forth in a Letter of Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit "B"** and incorporated herein verbatim for all purposes.

SECTION 3. The City Manager or her designee is hereby authorized to execute any legal instruments necessary to effectuate such closing, vacating and abandoning of the property, after review and approval by the City Attorney.

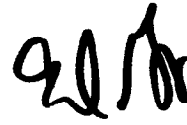
SECTION 4. The \$9,123.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund 29-0008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled Sale of Land.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager

or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This Ordinance shall be effective on November 9, 2003.

PASSED AND APPROVED this the 30th day of October, 2003.



M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney